~~October 16, 2020~~December 30~~10~~, 2020

40E-10.021 Definitions.

(1) through (6) No Change.

(7) Everglades Agricultural Area (EAA) Reservoir – A reservoir located in Palm Beach County, Florida, south of the City of South Bay between the Miami and North New River ~~canals~~Canals, as described in Appendix 3 and depicted in Figure 3-5.

Rulemaking Authority 373.044, 373.113, 373.171, F.S. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470, F.S. History – New 7-2-09, Amended 3-18-10, 7-21-13, 7-16-14, _____.

40E-10.031 Water Reservations Implementation.

(1) through (5) No Change.

(6) Water reserved for the protection of fish and wildlife released via operation from the EAA Reservoir is defined in ~~paragraph~~ subsection 40E-10.061(3)(a), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171, F.S. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470, F.S. History – New 7-2-09, Amended 3-18-10, 7-21-13, 7-14-14, 7-16-14, _____.

40E-10.061 Water Reservation Areas: Lower East Coast Planning Area.

(1) through (2) No Change.

(3) EAA Reservoir:

(a) All surface water released, via operation, from the EAA Reservoir that is directed to the Lower East Coast Everglades Waterbodies through ~~structures~~Structures S-624, S-625, and S-626 (see Figure 3-6) is reserved from allocation.

(b) The water prospectively reserved under this subsection is not available for fish and wildlife until the Governing Board makes a formal determination, pursuant to state and federal law, that the EAA Reservoir is operational.

(c) ~~Model simulations of the draft operating protocol predict the EAA Reservoir, together with existing and planned infrastructure and a modified Lake Okeechobee schedule, will convey 825,000 acre-feet of surface water during an average annual water year (May-April) (see Figure 3-7), thereby increasing existing flows on average annually to the Central Everglades by 370,000 acre-feet over the period of simulation (1965-2005).~~Within 90 days of approval of the Final Project Operating Manual or Final System Operating Manual for the EAA Reservoir, the District shall publish a Notice of Rule Development to revise the reservation contained in paragraph 40E-10.061(3)(a), F.A.C., above, and criteria in Section 3.11.6 of the Applicant's Handbook, incorporated by reference in Rule 40E-2.091, F.A.C. Said rulemaking must result in an adopted rule that is in effect, unless subject to legal proceedings or legislative ratification, within two years of publication of the Notice of Rule Development and before the EAA Reservoir is deemed operational pursuant to paragraph 40E-10.061(3)(b), F.A.C., above.

(d) The reservation contained in paragraph 40E-10.061(3)(a), F.A.C., above, and the criteria contained in Section 3.11.6 of the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District" (Applicant's Handbook), incorporated by reference in Rule 40E-2.091, F.A.C., shall ~~will~~ be revised in light of changed conditions or new information. ~~The reservation and criteria in Section 3.11.6 of the Applicant's Handbook, incorporated by reference in Rule 40E-2.091, F.A.C., will be revised before the EAA reservoir is deemed operational, including an approved system or project operating manual, and any difference between the quantity of water actually made available and the quantity simulated will be reconciled.~~

(~~d~~e) Water released from the EAA Reservoir through structure S-628 is not reserved. ~~Model simulations of the draft operating protocol predict the EAA Reservoir, together with existing and planned infrastructure and a~~

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~~modified Lake Okeechobee schedule, will convey 82,000 acre-feet of surface water during an average annual water year through structure S-628 (see Figure 3-8).~~

Rulemaking Authority 373.044, 373.113, 373.171, F.S. Law Implemented 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470, F.S. History – 7-21-13, Amended 3-15-17, _____

APPENDIX 1 AND APPENDIX 2 – No Change.

APPENDIX 3 LOWER EAST COAST PLANNING AREA 40

Figures 3-1 through 3-4 B. – No Change.

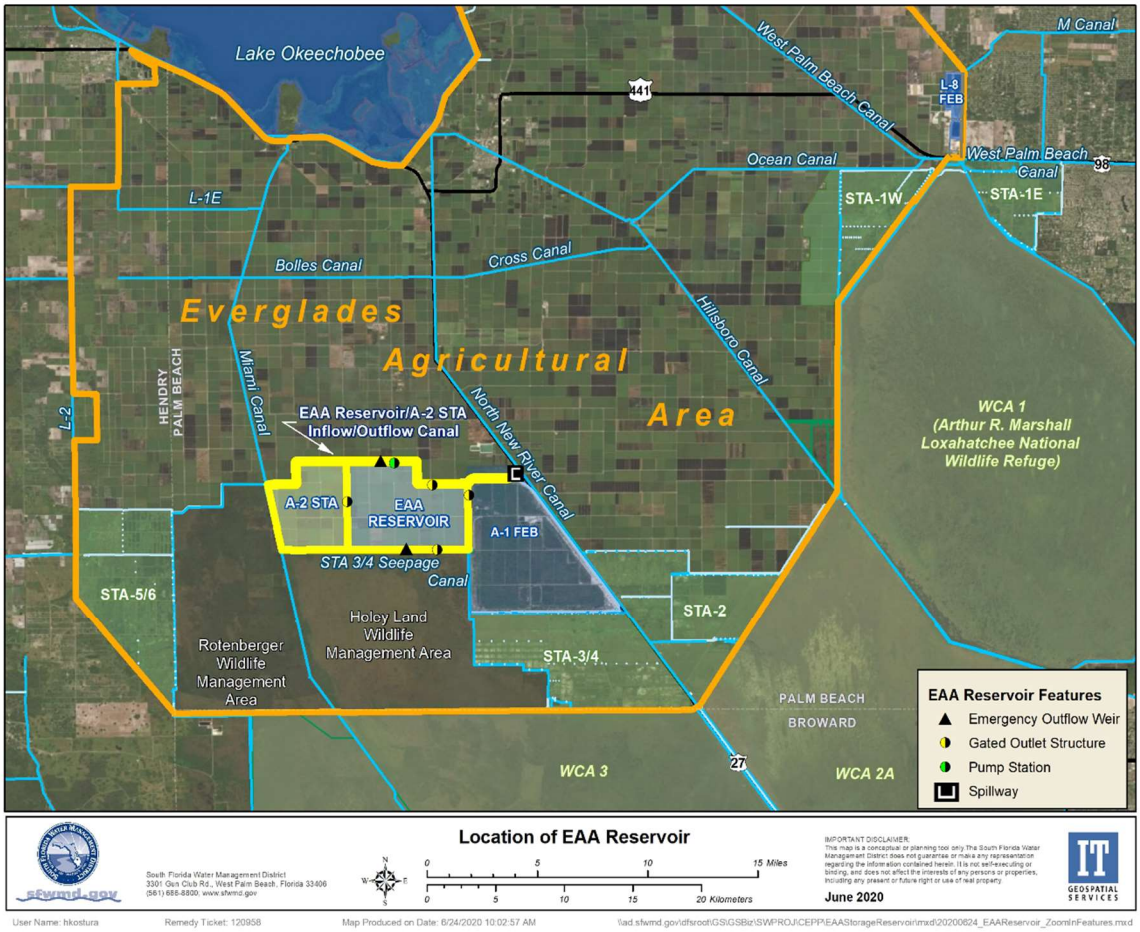


Figure 3-5. Location of the EAA Reservoir.

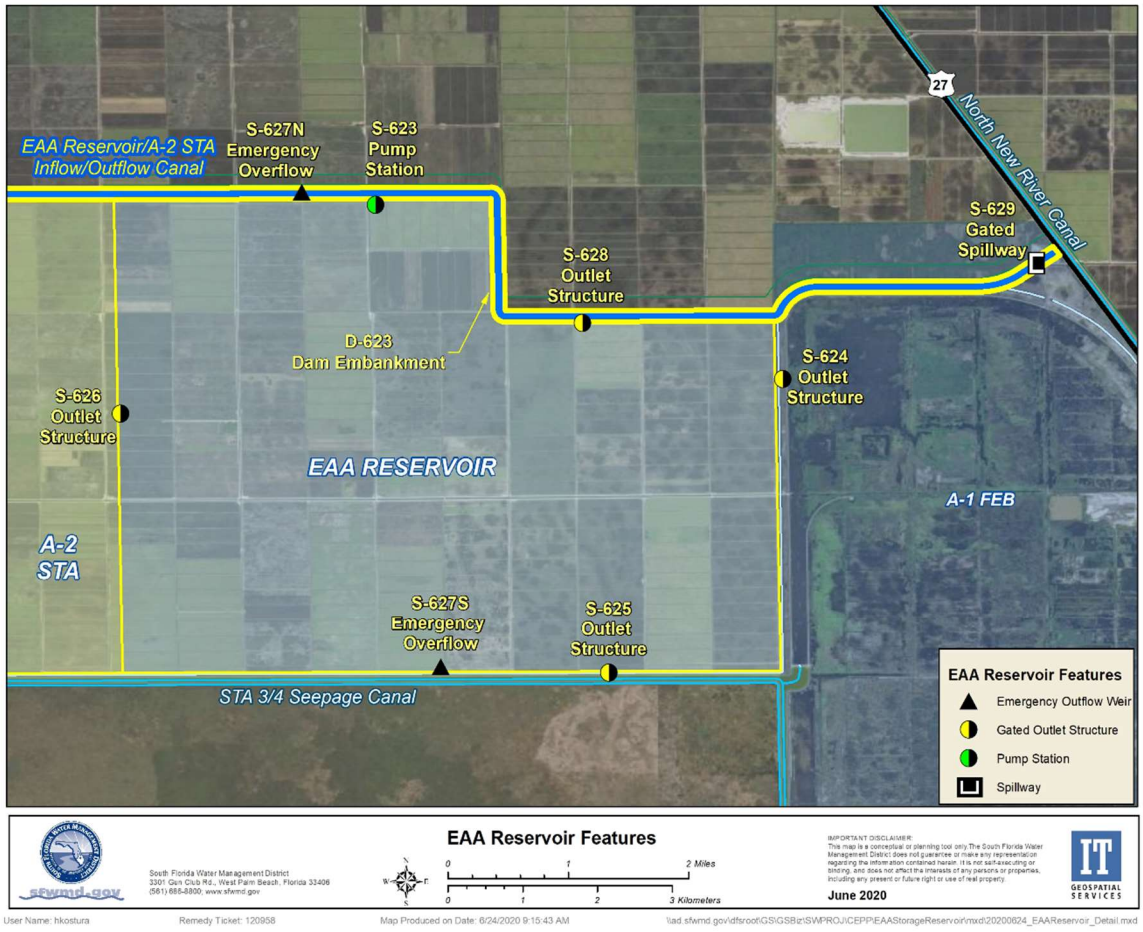
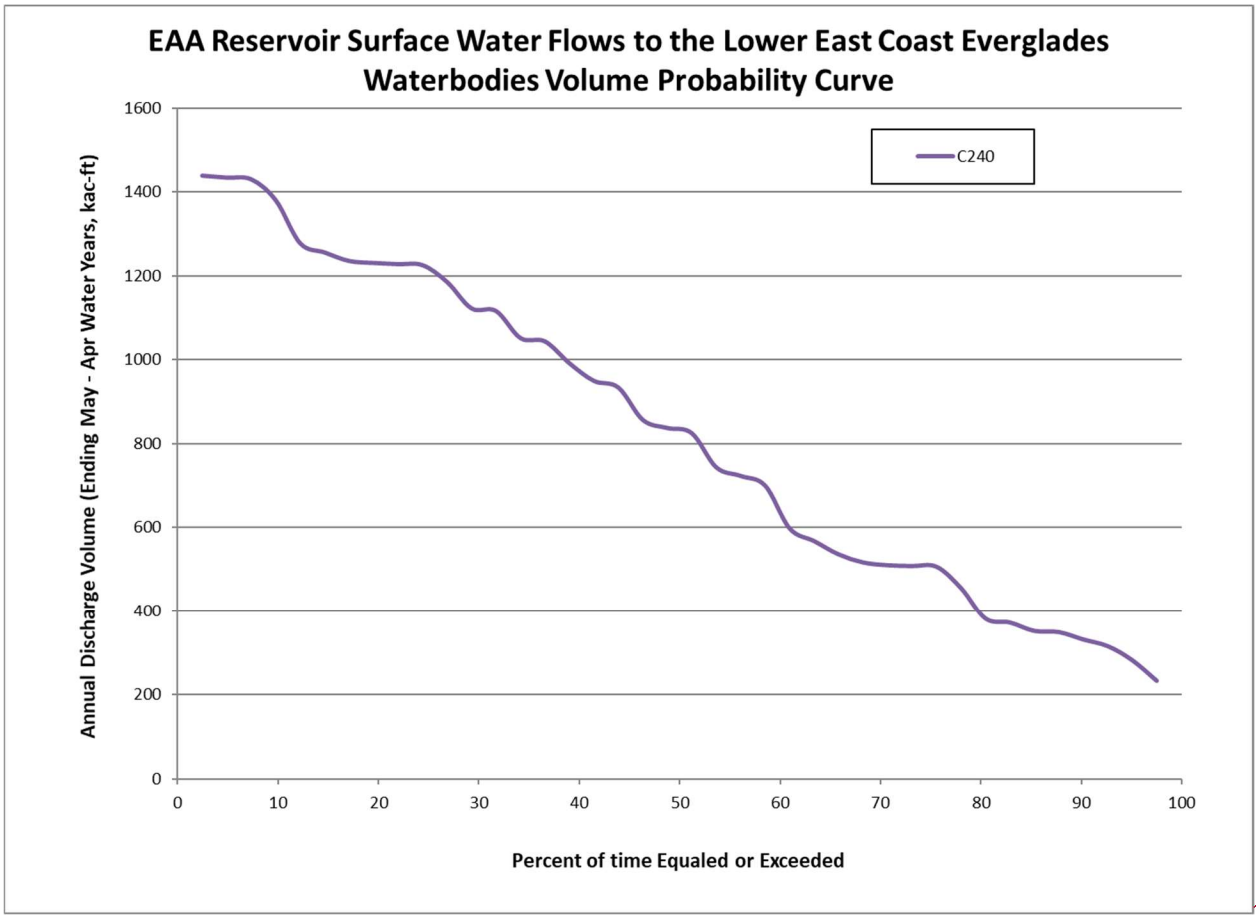
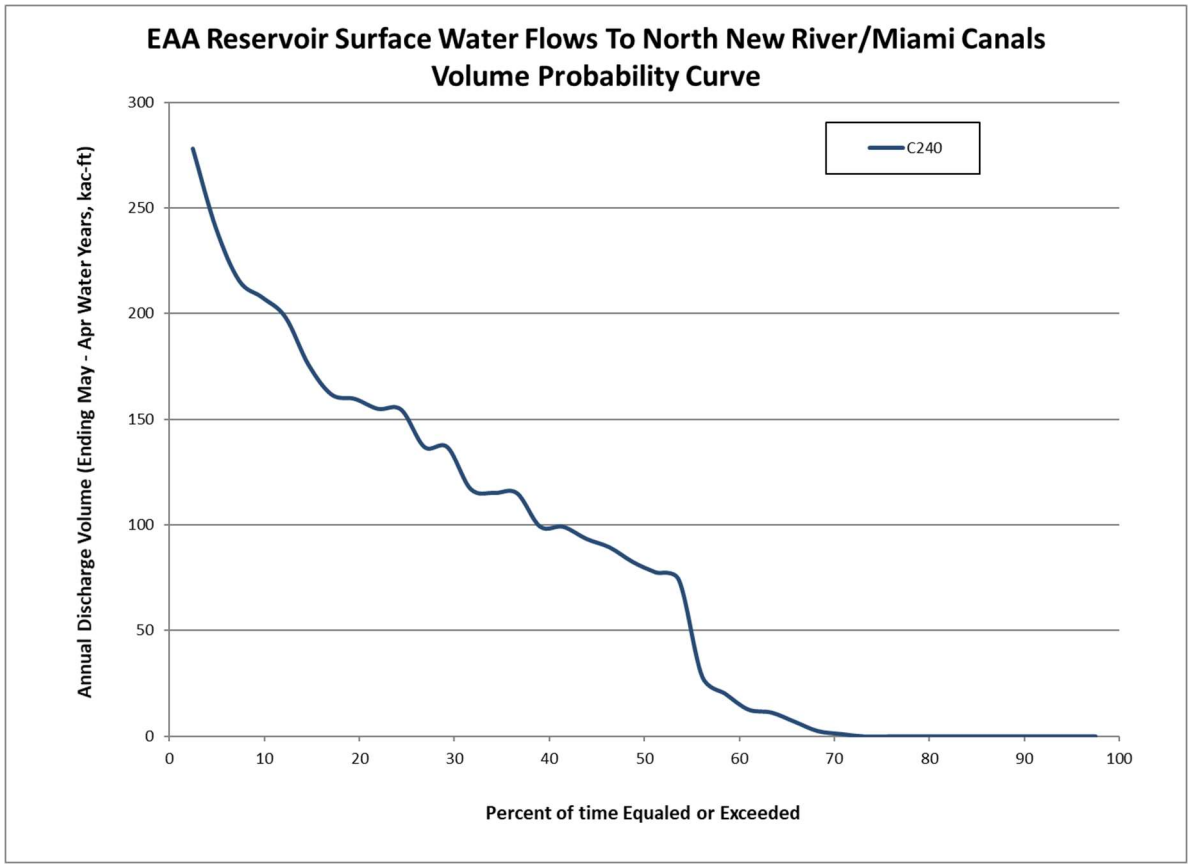


Figure 3-6. Key features of the EAA Reservoir.



~~Figure 3-7.EAA Reservoir annual surface water discharges through structures S-624, S-625, and S-626 volume probability curve (May-April water year) from the Alternative C240 model simulation.~~



~~Figure 3-8.EAA Reservoir annual surface water discharges through structure S-628 volume probability curve (May-April water year) from the Alternative C240 model simulation.~~

40E-2.091 Publications Incorporated by Reference.

(1) The "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District – _____,~~2020~~ 2021" (http://www.flrules.org/Gateway/reference.asp?No=Ref-12638~~XXXXX~~ is incorporated by reference herein.

(2) The following forms and materials are referenced in the "Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District – _____,~~2020~~ 2021" (http://www.flrules.org/Gateway/reference.asp?No=Ref-12638~~XXXXX~~) and are incorporated herein:

(a) through (f) No Change.

(g) Subsections referenced in Section 3.3.6 of the "Environmental Resource Permit Applicant's Handbook, Volume I (General and Environmental)", (June 1, 2018) (http://www.flrules.org/Gateway/reference.asp?No=Ref-09390 incorporated by reference in paragraph 62-330.010(4)(a), F.A.C., as follows:

1. through 9. No Change.

(3) No Change.

(4) The publications incorporated herein are available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1 (800) 432-2045, ext. 6805 or (561) 682-6805.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.216 FS. Law Implemented 373.042, 373.0421, 373.083, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6- 9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, 7-2-09, 3-15-10, 3-18-10, 9-26-12, 10-23-12, 7-21-13, 7-14-14, 7-16-14, 9- 7-15,_____.

3.11.6 Everglades Agricultural Area (EAA) Reservoir

The Everglades Agricultural Area Reservoir Water Reservation, as stated in paragraph 40E-10.061(3)(a), F.A.C., ~~-~~protects the Central Everglades Planning Project water needed for fish and wildlife within the Lower East Coast Everglades Waterbodies. Renewals of existing permits and a~~A~~pplications received ~~deemed complete~~ before the conditions identified in ~~paragraph~~paragraphs 40E-10.061(3)(b)&(c), F.A.C., and which otherwise satisfy the requirements of Chapter 40E-2, F.A.C., as applicable, do not use water reserved under paragraph 40E-10.061(3)(a), F.A.C. In accordance with Section 373.1501(5)(d), F.S., the quantity of water available to existing legal users is not diminished by the reservation rule.